

IN THE SENATE OF THE UNITED STATES.

MAY 19, 1858.—Ordered to be printed.

Mr. DAVIS made the following

**REPORT.**

[To accompany Bill S. 380.]

*The Committee on Military Affairs and the Militia, to whom was referred the memorial of George M. Weston, commissioner of the State of Maine, having had the same under consideration, report :*

It appears that after the passage of the act of May 13, 1846, the Secretary of War addressed the governor of Maine, requesting him to organize a regiment of volunteers in readiness for the Mexican war. On the 6th June, of the same year, the governor informed the War Department that the regiment was organized and ready to be mustered into service. The Secretary's reply is as follows :

WAR DEPARTMENT,  
June 13, 1846.

SIR : In acknowledging the receipt of your letter of the 6th instant, I respectfully tender to you the thanks of the President and of this department for the prompt measures you have adopted for the preparatory enrollment of volunteers of your State.

Very respectfully, your obedient servant,

W. L. MARCY.

His Excellency H. J. ANDERSON,  
*Governor of Maine,*

For expenses incurred by the State of Maine in organizing the regiment, the amount now presented amounts to \$5,885 69.

The existing laws, as they have been construed by the War Department, and that construction has been confirmed by the decision of Attorney General Reverdy Johnson, do not allow payment for expenses incurred in organizing troops in this way unless they have afterwards been mustered and received into the United States service. But, by special legislation, Congress has paid companies which were not so received.

The committee, in consideration of the prompt manner in which the State responded to the call of the Executive, when these troops were

expected to be wanted for a distant service, think the State ought to be reimbursed what was expended in good faith, and therefore report a bill and ask its passage, referring the claim for settlement by the proper accounting officers of the Treasury Department in the same manner as if the regiment had been mustered and received into the service of the United States.